

AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows:

1. (Currently Amended) Label comprising:
at least one electronic component (2);
a protective cover layer,
~~characterised in that~~ wherein the electronic component (2) is cast in synthetic material (1) applied by flowing the synthetic material from a nozzle in a drip process to form the protective cover layer over one surface of said at least one electronic component.
2. (Currently Amended) Label in accordance with Claim 1, ~~characterised in that~~ wherein the label is self-adhesive.
3. (Currently Amended) Label in accordance with Claim 2, ~~characterised in that~~ wherein the label is at least partially provided with adhesive (4) on at least one side.
4. (Currently Amended) Label in accordance with Claim 3, ~~characterised in that~~ wherein the adhesive (4) is of low adherency.
5. (Currently Amended) Label in accordance with Claim 2, ~~characterised in that~~ wherein ~~a the~~ side of the label coated with adhesive is provided with a protective foil.
6. (Currently Amended) Label in accordance with Claim 5, ~~characterised in that~~ wherein the protective foil is siliconised.
7. (Currently Amended) Label in accordance with Claim 1, ~~characterised~~

~~in that~~ wherein the label comprises at least one attachment means.

8. (Currently Amended) Label in accordance with Claim 7, ~~characterised~~
~~in that~~ wherein the attachment means comprises at least one ribbon or at least one
cord.

9. (Currently Amended) Label in accordance with Claim 1, ~~characterised~~
~~in that~~ wherein the label is in the form of a tag.

10. (Currently Amended) Label in accordance with Claim 1, ~~characterised~~
~~in that~~ wherein the synthetic material (1) is transparent.

11. (Currently Amended) Label in accordance with Claim 10, ~~characterised~~
~~in that~~ wherein the synthetic material (1) is coloured.

12. (Currently Amended) Label in accordance Claim 10, ~~characterised in~~
~~that~~ wherein the synthetic material (1) comprises at least one polyurethane resin.

13. (Currently Amended) Label in accordance with Claim 12, ~~characterised~~
~~in that~~ wherein the polyurethane resin comprises the components, isocyanate and
polyol.

14. (Currently Amended) Label in accordance with Claim 12, ~~characterised~~
~~in that~~ wherein the label is formed by flowing liquid polyurethane resin from a nozzle
and by casting the electronic component (2) in the liquid polyurethane resin.

15.-19. (Canceled)

20. (Currently Amended) Label in accordance with Claim 1, ~~characterised~~

~~in that~~ wherein the label comprises a support layer (3).

21. (Currently Amended) Label in accordance with Claim 20, ~~characterised~~
~~in that~~ wherein the support layer (3) is transparent.

22. (Currently Amended) Label in accordance with Claim 20, ~~characterised~~
~~in that~~ wherein the support layer (3) is coloured.

23. (Currently Amended) Label in accordance with Claim 20, ~~characterised~~
~~in that~~ wherein the support layer (3) is provided with at least one imprint.

24. (Currently Amended) Label in accordance with Claim 20, ~~characterised~~
~~in that~~ wherein the support layer (3) consists of synthetic material or paper.

25. (Currently Amended) Label in accordance with Claim 37, ~~characterised~~
~~in that~~ wherein the support layer (3) is provided between the synthetic material (2) and
the adhesive (4).

26. (Currently Amended) Label in accordance with Claim 1, ~~characterised~~
~~in that~~ wherein at least one electroluminescent device (5) is provided.

27. (Currently Amended) Label in accordance with Claim 26, ~~characterised~~
~~in that~~ wherein the electroluminescent device (5) is suppliable with energy via at least
one antenna (6) and/or at least one battery.

28. (Currently Amended) Label in accordance with Claim 27, ~~characterised~~
~~in that~~ wherein a colour and/or a shape of the illuminated region of the
electroluminescent device (5) is controllable by means of a remote data transmission.

29. (Currently Amended) Label in accordance with Claim 28, ~~characterised in that~~ wherein the electroluminescent device (5) comprises at least one electroluminescent dyestuff.

30. (Currently Amended) Label in accordance with Claim 29, ~~characterised in that~~ wherein the electroluminescent dyestuff is applied by printing.

31. (Currently Amended) Label in accordance with Claim 30 ~~and in accordance with Claim 29 or 30, characterised in that~~ wherein the electroluminescent dyestuff is imprinted on the support layer (3).

32. (Currently Amended) Label in accordance with Claim 1, ~~characterised in that~~ wherein the electronic component (2) is at least one of an antenna, a battery, a chip, a capacitor, a digital circuit element, a circuit, a printed oscillatory circuit, a solar cell, a coil, a power storage means and/or a transponder.

33. (Currently Amended) Label in accordance with Claim 1, ~~characterised in that~~ wherein the label has a rectangular shape.

34. (Currently Amended) Label in accordance with Claim 1, ~~characterised in that~~ wherein the label is very thin.

35. (Currently Amended) Label in accordance with Claim 1, ~~characterised in that~~ wherein the label is in the form of a security label for goods.

36. (Currently Amended) Label in accordance with Claim 1, ~~characterised in that~~ wherein the label forms part of a toll deducting system.

37. (Currently Amended) Label comprising at least one electronic

component (2), characterised in that the electronic component (2) is cast in synthetic material (1) and ~~Label in accordance with claim 20,~~ characterized in that the label comprises a support layer (3) and ~~in that~~ the label is at least partially provided with adhesive (4) on at least one side.

REMARKS

The Examiner's non-final Office Action dated July 7, 2003 has been received and its contents carefully noted. The Applicant respectfully submits that this response is timely filed and fully response to the Office Action. By the above amendments, claims 1-14 and 20-37 have been amended and claims 15-19 have been canceled. Consequently, claims 1-14 and 20-37 are currently pending of which claims 1 and 37 are independent. In light of the above amendments and detailed arguments to follow, reconsideration of the currently proposed rejection is respectfully requested.

The Applicant initially has taken note of the fact that the Office Action of July 7, 2003 did not present any rejection(s) of claim 37 which was originally presented in the Preliminary Amendment (copy attached) filed with the original application papers on June 13, 2000. As a result, the Applicant has placed claim 37 into independent form including the limitations of the base claim (original claim 1).

With regard to the rejections of:

Claims 1, 10, 12-17 and 32, under 35 U.S.C. 102(e), as being anticipated by the teachings of Tiffany ('054),

Claims 11 and 18-20, under 35 U.S.C. 103(a), as being obvious is view of the teachings of Tiffany ('054),

Claims 2-7, 9, 20-25 and 33-36, under 35 U.S.C. 103(a), as being obvious is view of the teachings of Tiffany ('054) combined with the teachings of Saliga ('363) and Dlugos et al. ('842),

Claims 2, 7-9 and 33-36, under 35 U.S.C. 103(a), as being obvious is view of the teachings of Tiffany ('054) combined with the teachings of Watanabe et al. (991), and

Claims 26-32, under 35 U.S.C. 103(a), as being obvious is view of the teachings of Tiffany ('054) combined with the teachings of Piosenka et al ('903),

each of these rejections is respectfully traversed.

The instantly claimed invention of claim 1 requires a label which comprises at least one electronic component (2) and a protective cover layer, wherein the electronic component (2) is cast in synthetic material (1) applied by flowing the synthetic

material from a nozzle in a drip process to form the protective cover layer over one surface of said at least one electronic component, as disclosed in the specification at least at page 4, lines 28-34, page 9, lines 7-13, and Figure 2. Such a structure provides for a relatively thin label structure while securely supporting the electronic components in the overall label. In contrast to the invention of claim 1, the “smart card” of Tiffany comprises a top layer (Figure 2, element 24), a bottom layer (element 26) and core layer (element 28), in which the smart card electronic components (elements 30, 32) are completely embedded in the core layer, using an injection molding apparatus/process, such that the composite smart card is unusually thick and all surfaces of the electronic components are covered by the core layer material. Such a structure is distinctly different from that presently claimed and, in contrast to claim 1, intentionally provides no access to the electronic components of the smart card without destroying the integrity of the smart card. Since each feature of the instant claim 1 is not taught by the Tiffany reference, the rejection under § 102(e) cannot be maintained and withdrawal is respectfully requested.

A review of the each of the Dlugos (cited to show the use of adhesive to affix a pouch for a label to a surface), Saliga (cited to show the use of adhesive to affix a tag to a surface), Watanabe (cited to show tags with printing can be adhesively bound to an elongate protective strip), and Piosenka (cited to show that a smart card can be provided with an electronic display means but without any teaching of the actual smart card structure) reveals that none of these references overcomes the deficiency of Tiffany noted above. Therefore, even if combined as asserted by the Examiner, the combination would not teach each feature of the instant claim 1; nor would the combination provide any suggestion/motivation to one of ordinary skill in the prior art to modify the teachings of Tiffany to only partially encapsulate one surface of the smart card to achieve the structure of the label of claim 1. For these reasons the rejections under § 103(a) also cannot be maintained and withdrawal is respectfully requested.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



Donald R. Studebaker
Registration No. 32,815

NIXON PEABODY LLP
401 9th Street, N.W.
Suite 900
Washington, DC 20004-2128
(202) 585-8000
(202) 585-8080 fax

DRS/JWM